

MAR 05 2007

Application No. 10/767985
*Page 7**Amendment*
*Attorney Docket No. S63.2B-11023-US01***Remarks****BEST AVAILABLE COPY**

This Amendment is in response to the Office Action dated December 19, 2006. Claims 1, 3, 4, 6-14, 16 and 18-43 are pending in this application. Claims 2, 5, 15, 17 and 44-48 were previously cancelled. The Office Action rejected claim 1 under 35 USC § 102 over White (US 61712345); rejected claim 4 under 35 USC § 102 over Kliefoth (US 1968456); rejected claims 16 and 18 under 35 USC § 102 over Penner (US 5725519); objected to claims 22 and 23 for informalities; objected to claims 3, 6-11 and 19-24 as being dependent upon a rejected base claim but otherwise allowable; and indicated that claims 12-14 and 25-43 are allowed.

By this Amendment, claims 1, 3, 4, 16, 22 and 23 are amended and claim 49 is added. Applicants reserve the right to prosecute all cancelled subject matter in a subsequent patent application claiming priority to the immediate application. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Claim Objections

The Office Action objected to claims 22 and 23 for informalities. These claims are amended in accordance with the Office Action's suggestion, replacing "introducer plug" in the preamble with "combination." Applicants request withdrawal of the objections.

Claim Rejections (White)

The Office Action rejected claim 1 under 35 USC § 102 over White. This rejection is traversed for the reasons presented in previous Amendments. However, for the purpose of furthering prosecution, claim 1 is amended to include limitations from the previous version of claim 3, which was indicated to be allowable.

White does not disclose or suggest a "loading apparatus having an alignment plug with a tapered portion for matingly engaging a tapered portion of an actuation hub of said crimping apparatus," as recited in claim 1.

Applicants request withdrawal of the rejection of claim 1.

Claim Rejections (Kliefoth)

The Office Action rejected claim 4 under 35 USC § 102 over Kliefoth. Although

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this rejection is traversed, claim 4 is amended for the purpose of furthering prosecution.

The Office Action mailed November 8, 2006 rejected claim 4 and indicated that dependent claim 5 would be allowable if rewritten in independent form. In reliance on the indicated allowability, Applicants amended claim 4 to include limitations directed to an "outer triangular configuration" as recited in claim 5, and cancelled claim 5.

The current Office Action withdrew the indicated allowability. See Office Action at page 2. Therefore, claim 4 is amended to delete the limitations added in the last amendment, and new claim 49 is added. Claim 49 is dependent upon claim 4 and includes the limitations of previously cancelled claim 5.

Claim 4 has further been amended to specify that the crimping apparatus has a "crimping chamber" and that the mating engagement provides for coaxial self-alignment between the internal lumen of the introducer shaft and the crimping chamber.

Kliefoth teaches a gaseous pressure wave absorbing construction for use in devices such as exhaust mufflers. See column 1, lines 1-8. The rejection cites to Figure 3, provided below, which shows a triangular tube.

Fig. 3



Kliefoth fails to disclose or suggest many of the limitations recited in claim 4. For example, it is unclear how the triangular tube would "matingly engage" a medical device crimping apparatus. The rejection does not provide any prior art crimping apparatus that would matingly engage a Kliefoth tube. Kliefoth also does not disclose or suggest the newly added coaxial self-alignment limitations.

Applicants further assert that a person of ordinary skill in the art would not use a piece of an exhaust muffler to load a self-expanding stent into a catheter delivery system.

Withdrawal of the rejection is requested.

BEST AVAILABLE COPY*Application No. 10/767985**Page 9***MAR 05 2007***Amendment**Attorney Docket No. S63.2B-11023-US01***Claim Rejections (Penner)**

The Office Action rejected claims 16 and 18 under 35 USC § 102 over Penner.

These rejections are traversed for the reasons presented in previous Amendments. However, for the purpose of furthering prosecution, claim 16 is amended to specify that the tapered portion of the crimping apparatus matingly engages a complementary tapered portion of the loading apparatus.

The portions of Penner that the Office Action characterized as the various claimed "tapered portions" do not matingly engage one another, as required by claim 16. Therefore, Applicants assert that claim 16 is patentable over Penner under 35 USC § 102. Claim 18 depends from claim 16 and is patentable over Penner for at least the same reasons. Accordingly, Applicants request withdrawal of the rejections.

Conclusion

Based on at least the foregoing amendments and remarks, Applicants respectfully submit this application is in condition for allowance. Favorable consideration and prompt allowance of claims 1, 3, 4, 6-14, 16, 18-43 and 49 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,
VIDAS, ARRETT & STEINKRAUS

Date: March 5, 2007

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